

APPEAL NO. 032444  
FILED OCTOBER 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 12, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and that the claimant did not have disability.

The claimant appeals, contending that his was the more credible evidence that he sustained a compensable injury and that the hearing officer rendered a "default" finding of no disability. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, an engineering technician, testified that he sustained a low back (multilevel disc bulges and herniations between the L3 and S1 levels) injury on \_\_\_\_\_, lifting, pulling, and twisting various computer cables while cleaning his bay. Much of the evidence is in conflict as recited in the hearing officer's Statement of the Evidence. The hearing officer concluded that the claimant's testimony was not persuasive and was not corroborated by the statement of his coworkers. While it is clear that the claimant has multiple lumbar disc bulges and herniations the cause of those bulges and herniations is not clear.

The testimony and medical evidence were in conflict in regard to the disputed issues and the evidence was sufficient to support the determinations of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer, as the trier of fact, resolves the conflicts and determines what facts the evidence has established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986)

In that we are affirming the hearing officer's determination that the claimant did not sustain a compensable injury, the claimant cannot, by definition in Section 401.011(16), have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ROYAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Margaret L. Turner  
Appeals Judge